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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,372	05/25/1999	MATTI TURUNEN	460-008652-U	1338

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/318,372

Applicant(s)

TURUNEN, MATTI

Examiner

John J Lee

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification should be arranged to preferred layout such as following guidelines.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, applicant recites "a method for ...". But there is no step being specified as how the method is being carried out. It is not clear whether applicant intends to claim a method or an apparatus. Clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toth et al. (US Patent number 5,708,655) in view of Gaffney et al. (US Patent number 6,333,919).

Regarding **claim 1**, Toth discloses that a method for transmitting messages to a wireless terminal (32 in Fig. 1) in a data transmission system (Fig. 1) which comprises at least one mobile communication network (10 in Fig. 1) and at least one message server (28 in Fig. 1) (Fig. 1, 4 and column 6, lines 16 – column 7, lines 67), in which method for each wireless terminal (32 in Fig. 1) coupled to the mobile communication network (10 in Fig. 1) (Fig. 1, 4, column 6, lines 16 – column 7, lines 67, and column 10, lines 8 – 59), an address identifying said wireless terminal is specified (column 4, lines 34 – column 5, lines 60 and Fig. 1), and for said wireless terminal (32 in Fig. 1), at least one data transmission connection is activated (column 8, lines 22 – column 10, lines 7 and column 4, lines 34 – column 5, lines 60), characterized in that information on the activation of the data transmission connection for said wireless terminal is transmitted to the message server (column 8, lines 22 – column 10, lines 7, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60).

Toth does not specifically disclose the limitation that data transmission connection for said wireless terminal is transmitted to the multimedia message server. However, Gaffney discloses that data transmission connection for said wireless terminal is transmitted to the multimedia message server (100 in Fig. 1) (column 4, lines 25 – column 5, lines 56, Fig. 1, 4, and column 6, lines 41 – column 7, lines 65). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Gaffney to Toth,

so that communication delays can be minimized and throughput rate can be maximized.

Regarding **claim 2**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that before the messages received by the message server and addressed to the wireless terminal are transmitted to the wireless terminal (column 8, lines 22 – column 10, lines 7, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60),

it is examined, whether there is an activated data transmission connection for said wireless terminal (column 8, lines 22 – column 10, lines 7 and column 4, lines 34 – column 5, lines 60),

if there is no activated data transmission connection for said wireless terminal, the next phase is to wait until a data transmission connection is activated for said wireless terminal, to use it to transmit messages to said wireless terminal (column 8, lines 22 – column 10, lines 7, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60).

Regarding **claim 3**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that packets are formed of the messages, to be transmitted to the wireless terminal (column 4, lines 34 – column 5, lines 60, column 7, lines 6 – 61, and column 8, lines 22 – column 10, lines 7).

Regarding **claim 4**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that a data transfer

protocol in a packet form (column 10, lines 60 – column 11, lines 67 and column 4, lines 34 – column 5, lines 60, column 7), intended for e-mail transmission, such as SMTP, is used, wherein messages are formed into packets according to said data transfer protocol (Fig. 5, 6 and column 10, lines 60 – column 11, lines 67).

Regarding **claim 5**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that data of the type of the message is transmitted in the messages, wherein in the method it is possible to select which types of messages are transmitted in the activated data transmission connection (column 8, lines 22 – column 10, lines 7, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60).

Regarding **claim 6**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that messages are formed into packets according to an Internet protocol, which are framed at the transmission stage into packets according to a data transfer protocol intended for transmitting e-mail messages, and which packets are formed into packets according to the Internet protocol in said terminal (column 8, lines 22 – column 10, lines 7, Fig. 4, 5, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60).

Regarding **claim 7**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that information on deactivation of the data transmission connection activated for said wireless

terminal is transmitted to the message server (column 8, lines 22 – column 10, lines 7, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60).

Regarding **claim 8**, Toth and Gaffney disclose all the limitation, as discussed in claim 1.

Regarding **claim 9**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that transmitting packets addressed to said wireless terminal to the message server, and means for forwarding packets further by using said data transmission connection activated for the wireless terminal (column 8, lines 22 – column 10, lines 7, column 7, lines 6 – 61, and column 4, lines 34 – column 5, lines 60).

Regarding **claim 10**, Toth and Gaffney disclose all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Toth discloses that the system comprises at least one packet radio network, such as GPRS network (Fig. 1, 4 and column 9, lines 14 – column 10, lines 33).

Regarding **claim 12**, Toth and Gaffney disclose all the limitation, as discussed in claims 1 and 2.

Regarding **claim 13**, Toth and Gaffney disclose all the limitation, as discussed in claim 1. Furthermore, Toth further discloses that the terminal comprises means for transmitting a data transmission connection activation request to the mobile communication network (Fig. 2, 3 and column 8, lines 11 – column 10, lines 33).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goetz et al. (US Patent number 5,956,729) discloses Multimedia File, Supporting Multiple Instances of Media Types, and Method for Forming Same.

Nordman et al. (US Patent number 6,061,346) discloses Secure Access Method, and Associated Apparatus, for Accessing a Private IP Network.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to the status of this

Art Unit: 2682

application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
April 6, 2002

John J Lee


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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4/8/02